

REMARKS

Claims 1-11 are pending in the application. Claims 1-11 have been rejected.

The following remarks are believed to be fully responsive to the office action. Applicant respectfully submits that all claims at issue are patentably distinguishable over the two cited references that qualify as prior art.

INFORMATION DISCLOSURE STATEMENT

The examiner states that the information disclosure statement filed March 27, 2003 fails to comply with the provisions of 37 § CFR 1.97, 1.98 and M.P.E.P. § 609 because Korean Patent KR-1998-065748 lacks an English translation and page 2 of the "Communication from Korean Intellectual Property Office dated March 13, 2003 is missing.

Enclosed herewith is a complete copy of the Communication from Korean Intellectual Property Office dated March 11, 2003. A translation of Korean Patent KR-1998-065748 is forthcoming.

CLAIM REJECTIONS – 35 U.S.C. §103

Claims 1-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Li et al. (U.S. Patent No. 6,040,243--"Li") in view of Koh (U.S. Publication No. 2001/0019891 A1--"Koh") and further in view of Liu et al. (U.S. Patent No. 6,177,347--"Liu").

As admitted by the Patent Office, Li fails to teach or suggest selectively forming a chemical enhancer layer on the portion of the second insulating film forming the bottom of the trench and on the portion of the lower metal layer forming the bottom of the via. The Patent Office also admits that Li fails to teach or suggest the forming a copper layer on the chemical enhancer layers by means of chemical vapor deposition method as recited in amended claim 1.

To supplement these deficiencies in Li, the examiner relies upon Koh. However, Koh is not prior art to the present application as its U.S. filing date is December 15, 2000. The present application has a U.S. filing date of June 6, 2001, but is based upon Korean Priority Application No. 2000-33980, filed on June 20, 2000.

The Patent Office has acknowledged the claim for foreign priority under 35 U.S.C. §119 and the receipt of the certified copies of the priority documents in the Office Action dated November 4, 2002. Accordingly, the claim for priority under 35 U.S.C. §119 is thus perfected.

Under the provisions of 35 U.S.C. §119, the present application is accorded the benefit of the priority date of Korean priority application no. 2000-33980, filed on June 20, 2000. Koh was filed in the U.S. Patent and Trademark Office on December 15, 2000. In view of the perfected priority date of the present application, Koh does not qualify as prior art under the provisions of 35 U.S.C. § 102 and § 103(a).

In absence of Koh as prior art, the Patent Office admits that Lui does not cure all the deficiencies of Li and thus the combination of Li and Lui fails to render obvious claims 1-11.

Applicant respectfully submits that the rejection of claims 1-11 under the provisions of 35 U.S.C. § 103(a) as being unpatentable over Li in view of Koh and further in view of Liu is improper due to disqualification of Koh as prior art. The Examiner is therefore respectfully requested to withdraw this corresponding rejection of claims 1-11 for at least the above reasons.

CONCLUSION

In light of the above, applicant submits that all pending claims are in condition for allowance. Accordingly, applicant respectfully requests that examiner pass this case to issue. If examiner believes that personal contact with applicant's representative would expedite prosecution of the application, she is invited to call the undersigned at her convenience.

The Commissioner is authorized to charge any fee deficiency required by this paper, or credit any overpayment, to Deposit Account No. 13-2855.

Respectfully submitted,

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By:



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